

Message Text

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E.O. 11652: N/A
TAGS: SCPS, CA
SUBJ: CONGRESSIONAL INTEREST - CLAIMS CASE INVOLVING THE
PROFESSIONAL SEMINAR CONSULTANTS, LTD.

REF. STATE 136366

1. CONGEN HAD LENGTHY DISCUSSION JUNE 6 WITH ATTORNEY JOHN HAMILTON OF FIRM HAMILTON TORRANCE STINSON CAMPBELL NOBBS AND WOODS, 196 ADELAIDE STREET WEST, TORONTO, REPRESENTING ASSOCIATED BUILDING INDUSTRY OF NORTHERN CALIFORNIA, SANTA BARBARA COUNTY MEDICAL SOCIETY, ALAMEDA COUNTRY DENTAL SOCIETY AND AWAITING CONFIRMATION AS ATTORNEY FOR GOLDEN GATE NURSES ASSOCIATION. ACCORDING TO HAMILTON, SAN FRANCISCO LAWYERS CLUB, FIFTH CALIFORNIA ORGANIZATION INVOLVED IN CLAIMS, NOT TAKING PART IN APPEAL TO TRIBUNAL. ONE MEMBER LAWYERS CLUB APPARENTLY REPRESENTED INDIVIDUALLY - HAMILTON BELIEVES TRIBUNAL CONSIDERS THAT LAWYERS CLUB AS ORGANIZATION HAS ABANDONED APPEAL.

2. ACCORDING TO HAMILTON, ATTORNEYS INSTRUCTED BY APPEAL TRIBUNAL TO AGREE ON AS MANY THINGS AS POSSIBLE BEFORE ADVISING TRIBUNAL OF READINESS TO RESUME FORMAL HEARINGS. ATTORNEYS HAVE MET IN CONFERENCE BUT ARE STILL AT VERY EARLY STAGE. THERE IS YET NO AGREEMENT ON PROCEDURAL PROOF AND HAMILTON CURRENTLY IN PROCESS OF CHECKING DOCUMENTS BEING RECEIVED FROM CALIFORNIA CLAIMANTS.
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HAMILTON WILL SEEK ACCESS TO TRAVEL FUND TRUSTEES FILES ON BASIS THAT TRUSTEES ATTORNEYS ARE DEMANDING MORE PROOF OF U.S. CLAIMANTS THAN REQUIRED OF CLAIMANTS WHOSE CASES HAVE BEEN SATISFIED. HAMILTON ADMITS HE IS NOT ABSOLUTELY CERTAIN OF THIS POSITION BUT THIS IS WHAT HE HAS BEEN TOLD BY FRIENDS IN THE INDUSTRY.

3. CONGEN REVIEWED WITH HAMILTON EFFORTS MADE BY EMBASSY THROUGH EXTAFF AND BY CONGEN THROUGH ONTARIO MINISTRY CONSUMER AND COMMERCIAL RELATIONS TO ENSURE NO DISCRIMINATION. CONGEN EXPLAINED NEED TO BE ABLE TO CLAIM AT LEAST SUSPICION OF DISCRIMINATION BEFORE EMBASSY OR CONGEN COULD PRESS GOC OR ONTARIO GOVERNMENT. HAMILTON TOLD CONGEN THAT HE WOULD PREFER THAT NO RPT NO APPROACHES BE MADE AT THIS TIME. HE BELIEVES OCCASION FOR SUCH APPROACHES WILL ARISE IF HE IS REFUSED ACCESS TO TRUSTEES FILES OR TRUSTEES ATTORNEYS SUCCEED IN IMPOSING IMPOSSIBLE PROCEDURAL ELEMENTS INTO HEARINGS, E.G., SUBPOENAING ALL ONE HUNDRED AND FIFTY CLAIMANTS FROM CALIFORNIA TO TESTIFY IN TORONTO. CONGEN EMPHASIZES THAT NEITHER EVENT HAS OCCURRED OR IS EXPECTED. HOWEVER, THESE ARE POSSIBILITIES ABOUT WHICH WE SHOULD BE AWARE.

4. HAMILTON DOES NOT DISMISS IDEA OF OUT OF COURT SETTLEMENT BUT BELIEVES IT TOO EARLY TO FOCUS ON SUCH. IN ADDITION TO PRELIMINARY STATE OF PREHEARING CONFERENCES, THERE IS ELEMENT IN SUCH OF SECURING AGREEMENT FROM SOME ONE HUNDRED AND FIFTY CALIFORNIA CLAIMANTS AS TO LEVEL/PERCENTAGE OF OUT OF COURT SETTLEMENT AGREEABLE.

5. COMMENT - CONGEN AWARE THAT IN ADDITION TO LEGAL UNCLASSIFIED

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EFFORTS AND CONTACTS THROUGH USG, THERE HAVE BEEN A FAIRLY SIGNIFICANT NUMBER OF CONTACTS WITH TRUSTEES' ATTORNEYS, TRAVEL INDUSTRY ACT REGISTRAR ETC. BY REPRESENTATIVES CLAIMANTS AND U.S. ASSOCIATES OF SUCH. SINCE VAST MAJORITY OF CLAIMANTS APPEAR TO HAVE ENTRUSTED HAMILTON WITH RESPONSIBILITY FOR THEIR CLAIMS UNDER APPEAL TRIBUNAL PROCEDURES, CONGEN INTENDS TO RESTRICT CONTACTS IN FUTURE TO HAMILTON SO AS NOT TO COMPLICATE HIS REPRESENTATION OF CLIENTS. DEPARTMENT MAY ALSO WISH TO SUGGEST TO INTERESTED PARTIES THAT HAMILTON BE ALLOWED TO ORCHESTRATE THIS OPERATION AS LONG AS ENGAGED AS CANADIAN LEGAL REPRESENTATIVE. HAMILTON HAS ASSURED CONGEN THAT HE WILL KEEP US INFORMED OF FUTURE SIGNIFICANT DEVELOPMENTS.

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